

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
FEBRUARY 10-12, 2004**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on February 10-12, 2004, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

**Tuesday, February 10, 2004**

***KSB/KSD COMMITTEE SPECIAL SESSION***

The KSB/KSD Committee held a special session for the purpose of hearing reports from the stakeholder committees on Tuesday, February 10, 2004, from 1:30 p.m. to 4:30 p.m.

**Wednesday, February 11, 2004**

***CALL TO ORDER***

Chair Helen Mountjoy called the Board meeting to order at 8:10 a.m.

***ROLL CALL***

Present for the meeting were Janice Allen, Alcie Combs, Dorie Combs, Gail Henson, Jeff Mando, Helen Mountjoy, Hilma Prather, Sam Robinson, David Tachau, Keith Travis and Paul Whalen. Absent was Tom Layzell; however, Jim Applegate was present to give Dr. Layzell's report.

***ANNOUNCEMENTS***

Chair Mountjoy announced that agenda item XIX.C., State Scholars Program, would be delayed and presented at the April meeting.

***APPROVAL OF MINUTES***

Alcie Combs moved approval of the minutes from the December 10-11, 2003, regular meeting and Paul Whalen seconded the motion. The motion carried.

## ***REPORT OF THE SECRETARY OF THE EDUCATION CABINET***

Secretary Virginia Fox shared the following in her report:

- When she was head of the Kentucky Educational Television Network, education was the focus of all of its activity.
- It is rumored throughout state government that the Kentucky Board of Education is the most important and hardest working Board.
- This administration is really focused on education and economic development in spite of the tightness of the budget.
- The administration will continue to work with the Board to align the details that support the belief that all children can learn at high levels and the principles of the *No Child Left Behind Act*.
- Appreciation was expressed to Commissioner Wilhoit and his staff for the countless hours they have spent with the Governor's staff in order to draft legislation.
- The Department of Education's data is so important to all branches of government to ensure that every next step is data-driven and can be proven by research. The data will be relied on to budget for success and provides direction on what to strengthen and what to reduce in order to live within our means.
- Commissioner Wilhoit shared with her the statement the Board will consider expressing concern about falling behind academically due to the budget shortage, but also offering support for tax modernization. Appreciation was expressed for that support and the Board was asked to work with the administration to pursue the tax modernization approach.
- The Board was asked to work with the administration during these tight times in order to assure the public that every dollar is focused on student achievement.

## ***REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION***

In Dr. Layzell's absence, Jim Applegate was present to give the report from the Council on Postsecondary Education. The highlights of his report were as follows:

- The Council on Postsecondary Education has just issued a new request for proposals for grants to support the formation of new P-16 councils across the state and for continued support of the existing seventeen P-16 councils.

- The Council on Postsecondary Education is a partner with the Kentucky Department of Education and Kentucky Board of Education on GO HIGHER KENTUCKY. On February 23, a test version of the GO HIGHER KENTUCKY website will go up that will contain everything a counselor, teacher, student and parent need for exploring career options, potential job opportunities, applying to college on-line and anything that is needed to plan for/pay for college. The website will actually go live on May 31.
- The Council on Postsecondary Education has formed three policy groups in order to focus its policy work. These are Seamlessness, Affordability and Workforce/Economic Development.
- Another partnership effort between the Council and the Department of Education is the GEARUP program that currently serves more than 17,000 students. The latest update on this program can be found in the current Council on Postsecondary Education agenda book and on the Council's website.
- Relative to the American Diploma Project, the official report is being released and will have implications for both K-12 and postsecondary as to possible changes that need to be made in order to ensure that high school students have the skills and knowledge to be successful in whatever vocation they choose.

#### ***REPORT FROM THE PRE-K to 16 COUNCIL***

Gail Henson reported the following from the last Pre-K to 16 Council meeting:

- The last meeting was a work session that looked at what the implications are of creating a seamless system and was devoted to brainstorming of ideas.
- The next meeting will focus on teacher education and how to create highly qualified teachers.
- The American Diploma Project report contains a good set of information for looking at seamlessness issues.

#### ***REPORT OF THE COMMISSIONER OF EDUCATION***

Commissioner Wilhoit reported the following items:

- The Kentucky Department of Education released assessment items last week and has received tremendous feedback from the field.
- Since the Board last met, an adjustment to the '04 budget by Governor Fletcher has occurred. This was an attempt to look at the existing deficit and try to

balance the budget in the current year without putting intense pressure on '05 and '06. When asked for a recommendation on making a 2.5% adjustment, the Commissioner recommended that the cuts be taken across all programs. These cuts carried over to '04 and formed the base for '05 and '06. House Bill 395 is the budget bill filed in the House that once approval is granted will go to the Senate and then to a conference committee. An additional adjustment to the budget has been filed by the Governor and is known as a technical amendment; it resulted from the refinancing of bonds. This refinancing garnered \$23 million dollars of revenue that the Governor has committed to education. The Commissioner emphasized that the cost of health insurance and teacher retirement has put education in a negative situation and does not paint a positive budget picture.

At this point, Chair Helen Mountjoy read a proposed statement relative to funding issues for consideration by the Board. The content of the statement read as follows:

**STATEMENT REAFFIRMING SUPPORT FOR SUFFICIENT FUNDING OF  
PUBLIC EDUCATION IN KENTUCKY**

**By  
The Kentucky Board of Education  
Commonwealth of Kentucky  
February 11, 2004**

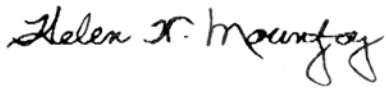
The Kentucky Board of Education (KBE) has been charged by the Kentucky General Assembly to establish policy to carry out the management and control of the common schools and all programs operated in these schools. In compliance with this charge the KBE reaffirms its longstanding commitment to assisting students and schools to achieve high standards and to reach proficiency by 2014.

The KBE acknowledges the serious financial deficit facing the Commonwealth and the complexities and challenges of preparing a balanced budget, but emphasizes that sufficient funding of the P-12 system is absolutely essential to provide each child the opportunity to achieve at high levels as required by statute.

The KBE is gravely concerned about the potential for further reductions in spending for services and programs that support student learning. Such cuts, if implemented, will greatly reduce the capacity of educators and students to reach the goals our nation and state have set for them.

Therefore, the KBE urges the General Assembly to provide sufficient funds in the 2005-2006 biennium for Kentucky to continue the historic progress it is making in education at all levels. Further, the KBE calls upon the General Assembly to enact tax modernization measures that will ensure the streams of revenue will grow as Kentucky's needs grow over time.

Kentucky Board of Education:



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Helen W. Mountjoy, Chair

Hilma Prather then moved to adopt the statement and Paul Whalen seconded the motion. Concerns were expressed about the fact that superintendents have to decide which programs are to be cut and at the same time teachers are getting a small raise, which makes an unfair situation pitting the teachers against program cuts. The question was then called and the motion carried.

Next, Jeff Mando noted that it is important for the Board to say to the Commissioner that even though the Commissioner has been asked where the cuts should be made, the Board has established priorities to emphasize with the General Assembly as the budget is considered.

Further concerns were expressed about the proposed cuts causing education reform to unravel and that with increased financial pressure, a significant threat to progress in education is being put on districts.

### ***GOOD NEWS FROM SCHOOLS AND DISTRICTS***

Chair Mountjoy offered congratulations to the following persons:

- Frank Welch, Pike County Superintendent, was awarded the S.L. Dupree Outstanding Superintendent Award at the Kentucky School Boards Association's annual conference in January. In his six years on the job in Pike County, he is credited in achieving many milestones including: turning around a troubling financial situation, initiating content-focused academies to improve student and teacher performance and leading the district to steadily improving CATS scores.
- Veteran elementary school educator Patti Rowland was named 2004 Kentucky Teacher of the Year. She has taught at Danville Independent's Hogsett Elementary School for 28 years and is currently the technology and curriculum teacher. She was also named 2004 Kentucky Elementary Teacher of the Year, which qualified her for consideration in the overall category. She vied for the award with Brenda Owen of Morton Middle School in Lexington, 2004 Middle

School Teacher of the Year, and Jennifer Forgy of Paul Dunbar High School in Lexington, 2004 High School Teacher of the Year.

- David Jsa, a senior at Dupont Manual High School in Louisville, is the only student in Kentucky so far this school year to score a perfect 36 on the ACT. A mostly straight-A student, David has applied to many colleges including Stanford, Harvard and Yale. He plans to study engineering because he enjoys math and science.
- Janice Allen asked for congratulations to be offered to the recipients of the 74 Reading First grants. She also requested that the Department look for ways to assist districts where the grants were not awarded and where students are in need of significant help in reading.

### ***CHARACTER EDUCATION PROGRAMS IN KENTUCKY***

Two examples of local character education programs were presented to the Board. The first one was presented by Tim Eaton, Pulaski County Superintendent, and Wanda Gaskin, Coordinator of the Pulaski County Character Education Program. The Pulaski County program exemplifies a locally-designed program. The other program was presented by Dr. Larry Salmon of Calloway County Schools and Mary Van Zante from the Pella Corporation. This program is an example of a successful business/school partnership.

### ***REGULAR COMMITTEE MEETINGS***

The Assessment and Accountability Committee and KSB/KSD Committee met from 9:15 a.m. until 12:15 p.m.

### ***ANNOUNCEMENTS***

Chair Helen Mountjoy reminded Board members that a joint meeting of the Council on Postsecondary Education and Kentucky Board of Education would occur this evening at the Capital Plaza Holiday Inn with a reception at 6:00 p.m. followed by dinner at 6:30 p.m. She indicated that the Governor will join the meeting to give some remarks and perhaps have some discussion. Mountjoy said that no business will be conducted at the meeting.

### ***STATEMENT OF CONSIDERATION FROM PUBLIC HEARING ON ASSESSMENT REGULATIONS RELATED TO NCLB REQUIREMENTS***

Deputy Commissioner Kevin Noland reminded the Board that after it takes action on a regulation, a public hearing must be held at the end of the month following the meeting where the regulation receives final approval. He explained that the public hearing on the assessment regulations related to *No Child Left Behind* requirements was held on January 23. Noland reported the following from the hearing:

- Several people submitted written or verbal comments on the regulations for the public hearing.
- After comments are received, only the Kentucky Board of Education can decide as to how to react to the comments. Proposed responses have been drafted by staff for consideration by the Board.
- Once the Board makes a decision how to respond, the response will be filed with the Legislative Research Commission.
- Within 30 days of the filing, the Legislative Research Commission's Education Assessment and Accountability Review Subcommittee has the opportunity to review and comment on the regulations and then within 30 days thereafter, the Legislative Research Commission's Education Committee has the opportunity to review and comment.
- At the end of the Education Committee's meeting or upon the end of the 30 days, the regulations become effective. Thus, the Assessment and Accountability regulations would become effective in early April prior to the Spring 2004 test.
- Two changes were recommended by staff as a result of comments received at the public hearing. The first one was made by a district assessment coordinator who suggested a change as to when LEP students are required to do writing portfolios. The district assessment coordinator recommended that we go back to the way this was done before the timeline was revised to accommodate *No Child Left Behind* requirements. Thus, it would be changed to reflect that if a limited English proficient student has been in an English speaking school for at least two years prior to the assessment, the student would participate in the writing portfolio for accountability purposes.
- The other recommended change dealt with comments from the Local Superintendents Advisory Council (LSAC). LSAC made comments relative to the definition of proficiency, definition of full academic year and the 'n' count for subpopulation accountability. Only the third item of 'n' count for subpopulation accountability was recommended by staff to cause changes in the regulation. The previous recommendation on this issue was a 10/30 rule; however, LSAC proposed a 20/50 or 15% rule. After studying the issue, staff recommended a 10/60 or 15% rule, which means that a school or district has at least 10 students in a subpopulation in each grade in which NCLB assessments are administered and either at least sixty students in subpopulation in the grades combined or the subpopulation constitutes at least 15% of the students in these grades combined. The 15% is designed to level the playing field between large and small schools.

Jeffrey Mando then moved to adopt the statement of consideration and Gail Henson seconded the motion. The motion carried.

## ***KDE COORDINATED SCHOOL HEALTH (CSH) EFFORTS AND CURRENT ISSUES SURROUNDING HEALTH OF STUDENTS***

Jeff Mando, Chair of the Management Committee, indicated that as part of this item, staff were asked to come back with what the Department is doing to improve school health, how funding drives these initiatives, the status on pending legislation and how the Board's resolution on physical activity was received. He noted that this is a Management Committee item; however, he indicated the Full Board had asked to attend to hear the discussion.

At this point, Division Director Paul McElwain explained that the financing for the school health initiatives comes through a grant from the Centers for Disease Control (CDC) and said there are three parts to the grant as follows: a) the youth risk behavior survey (YRBS), which is a data collection initiative, b) a focus on physical activity/nutrition/tobacco and c) HIV prevention. He reported that the CDC expressed disappointment in the Department spending more time on physical activity/nutrition/tobacco than on HIV prevention. McElwain emphasized that the parameters of the grant drive the amount of time that can be spent on the areas of focus.

Relative to the Board's resolution on physical activity, McElwain reported that overall the reaction has been positive. He reported his staff has now put resources on the website for schools in the area of including physical activity during school hours and said they will be adding a video that will demonstrate how to implement such an approach.

On the topic of legislation related to school health, McElwain commented that no bills have been introduced on comprehensive school health; however, he stated that there have been some bills on components in the health area, particularly in the nutrition area. He summarized the legislative bills under consideration as follows:

- HB 148 limits soda sales and puts restrictions on vending machine items as well as requires school food service directors to be certified.
- HB 261, which passed out of the House and Welfare Committee but has not been considered by the full House, prohibits soda sales in elementary schools and requires 75% of the drinks sold in middle and high schools be healthy beverages.
- HB 207 does deal with physical activity and would require 30 minutes a day or 150 minutes a week of moderate to vigorous activity. This bill has not been brought up yet for consideration.
- HB 218 and 219 are similar to HB 148 and neither has been posted for consideration by a committee.
- No bills have been introduced in the Senate on school health or school health components; however, if the administration launches a comprehensive school health initiative, the Department will participate as a partner. Expansion in the



comprehensive school health area, however, cannot happen without additional funding.

Associate Commissioner Kyna Koch shared that when the briefing on the budget occurred by Secretary Fox, some talk occurred of a coordinated school health activity. Koch said she had been in contact with Fox to convey that the Department does have a coordinated school health team and wants to be part of any comprehensive effort. She went on to say that the Department would welcome a larger statewide effort on comprehensive school health and would rather that all funds go into physical activity/nutrition/tobacco. However, she emphasized that the grant parameters prohibit this from currently happening.

Board members expressed concern that some entity must take the lead to expand the efforts in comprehensive school health. The Commissioner said he liked the Board stepping forward on this issue and felt that the only negative is how to fund a more comprehensive effort and fit it into the school day. By the next meeting, the Commissioner indicated that staff would have results of research on what other states are doing in comprehensive school health and stated that he will approach Dr. Holtzinger to see if the Department of Health wants to be part of a broader initiative. Wilhoit also indicated that he would pursue with the Senate any efforts brought forward in comprehensive school health so that the Department can be involved.

The last area discussed on school health was the Jefferson County vending pilot. Cornelia Hardin of Jefferson County clarified that they have seen a slight decrease overall in vending machine sales of about \$12,000. She noted that more students are getting healthier meals and that the district is also communicating with homes on nutrition. Hardin stated that the district feels the waiver is beneficial because the dollars raised from the vending machines go toward physical activities. It was noted that at the June meeting, a request for extension of the Jefferson County vending pilot would need to come forward.

#### **Thursday, February 12, 2004**

#### ***KBE AUDIT COMMITTEE MEETING***

The KBE Audit Committee met from 8:00 a.m. to 9:00 a.m.

#### ***DISCUSSION OF PREVAILING WAGE AS A COMPONENT OF THE KENTUCKY BOARD OF EDUCATION 2004 LEGISLATIVE AGENDA***

Chair Mountjoy indicated that at the last meeting a motion was tabled relative to considering prevailing wage as part of the Board's legislative agenda. At that point, Keith Travis moved to take the motion from the table and Alcie Combs seconded the motion. The motion carried.

Chair Mountjoy then noted that the motion is now back on the table for consideration and asked Keith Travis if he would like to address his motion.

Travis clarified that the issue is not to abolish the prevailing wage but instead give the local districts the option of whether to apply it.

Mountjoy pointed to the study from the Legislative Research Commission and said it seems that the authors are hesitant to conclude that doing away with prevailing wage would result in significant savings. Division Director Mark Ryles agreed with that analysis. Mountjoy indicated the Board had several options that could be pursued relative to this issue as follows:

- Staff can draft or amend legislation to give districts the option of applying prevailing wage or not.
- If a bill on this topic is introduced and if an inquiry on this topic is made, staff can be authorized to support such legislation.
- The Board can choose not to take a formal position.
- The Board can take action not to do away with or give districts the option of applying prevailing wage.

Deputy Commissioner Kevin Noland indicated that the Kentucky School Boards Association and Kentucky Association of School Administrators have put this issue in their legislative platforms and said that staff could be directed to contact these entities to check the status of the legislation. Noland felt that there will be a bill on this topic and that the Board will be asked to express a position. He commented that he would feel more comfortable to have direction from the Board on this matter.

Chair Mountjoy went on to say that the Board could indicate that data are not conclusive on this issue but said a lot of perception exists that money could be saved if the districts have the option of applying prevailing wage. He also thought that the option could be implemented on a temporary basis with a study of its implementation built into the process.

Other members expressed that they could support a bill to give school districts the option of applying prevailing wage if it contains a sunset provision and a study of the data before making it a permanent law.

At this point, the question on the original motion was called that would add prevailing wage to the Board's legislative agenda and it failed.

Next, Jeff Mando moved that the Board authorize staff, if asked to express a position, to say that the Board would support giving districts the option of using prevailing wage or not if the bill included a sunset provision and a study to determine effectiveness. Keith Travis seconded the motion and it carried, with David Tachau voting 'no'.

## ***REPORT ON 2004 ELEMENTARY AND SECONDARY EDUCATION LEGISLATION AND BIENNIEL BUDGET***

Kevin Noland confirmed that even though the Board's legislative information packet is getting larger, no significant movement in the passage of legislation has occurred. He said that many are waiting to see what happens with the budget. Noland commented that Reading to Achieve has passed the Senate and is now in House Education and shared that lots of debate exists on the principal selection bill, which is in the House Education Committee presently. He noted that we are at the halfway mark in the legislative session and also pointed out that the House Education Committee passed HB176 consistent with the Board's definition of full academic year.

Helen Mountjoy stated that several Board members have asked what they should be doing in regards to contacting legislators on KBE legislative issues. She indicated that it would be fine for them to contact legislators on those issues that KBE is formally supporting. However, she said that Bonnie Brinly would be sending specific requests for legislative contact to Board members very soon.

### ***LITIGATION REPORT***

At 9:40 a.m., the Board entered into closed session to discuss pending litigation upon a motion by Paul Whalen and a second by Gail Henson. The motion carried. At 10:00 a.m. the Board came out of closed session on a motion by Keith Travis and second by Paul Whalen. The motion carried. No action was taken during the closed session.

### ***APPROVAL OF ACTION/CONSENT AGENDA ITEMS***

Management Committee Chair Jeff Mando indicated that his committee had three action/consent items as follows:

- Local district tax rates levied
- District facility plans
- District facility plan amendments

On behalf of the committee, he then moved approval of all of these action/consent items and the Board concurred.

### ***KBE AUDIT COMMITTEE REPORT***

#### **Action/Discussion Items**

1. **KDE Internal Audits.** Chair David Tachau reported that staff recommended to his committee how to proceed relative to accomplishing the internal audit function since all designated tasks of the previous internal auditor have been completed and that person has retired. He indicated that staff have recommended a couple of areas where there should be clear efforts by someone to audit what the Department is doing to include purchasing

practices and transactions with cooperatives. Tachau stated that staff suggested the State Auditor be retained to review those areas. He commented that a related topic was discussed relative to Commissioner's expenses and said if the Board is satisfied with an internal review of these expenses by the Audit Committee, then that is how this item will be handled. Consensus from the Board was that an internal review by the committee periodically would be appropriate. At this point, David Tachau moved that staff pursue retaining the State Auditor to conduct a review of the two areas of concern. The Board concurred with the Committee's recommendation. On a final note, Chair Tachau indicated that the committee will be considering an amendment to the internal audit charter in late summer.

## ***CURRICULUM COMMITTEE REPORT***

### **Review Items**

1. **Reading First, Reading to Achieve and Intensive Reading and Mathematics Initiatives.** Chair Dorie Combs indicated that 74 schools received Reading First grants through an extremely competitive process. She explained that the process included blind scoring plus if not enough agreement among the scorers existed, others were brought in. Combs indicated the scoring rubric is available and said that these schools will receive technical assistance from Reading First coaches. She went on to comment that Reading to Achieve is similar to the Early Reading Incentive Grant Program except that these funds, if approved by the legislature, will go to any school to target struggling readers. She indicated that this is not duplicative with Reading First and said we hope this can be in all schools eventually.  
  
Janice Allen raised concerns about the selection of Reading First grant schools and emphasized that the Board and Department need to be cognizant of where different school districts are in their progress toward improving reading. She felt that the Board needs to give direction to the Department as to where the schools in their areas stand relative to professional development needs.
2. **KDE's Initiatives to Support Teachers, Schools and Districts to Improve Assessment and Instructional Practice.** Chair Combs reported that this item consists of a plan for a web portal containing resources for educators. She characterized it as a way for accessing help on specific topics and noted that a lot of the material is already available but needs to be organized to put on the web. Combs commented that this is a cooperative endeavor across the agency and will be rolled out as materials come forward.
3. **Instructional Leadership.** Dorie Combs stated that the staff note on instructional leadership gives a summary of the initiatives that are currently being implemented. She reported that if the SAELP grant from the Wallace

Foundation for \$600,000 is funded, this will help to expand and focus the efforts in the instructional leadership area. Combs went on to say that there are three areas of emphasis as follows: a) establishing a statewide leadership development system from pre-service preparation to ongoing professional development including a system of shared accountability, b) moving distributed leadership to the second generation by building teacher and parent ownership for student achievement, and c) making the principal's job more doable with a focus on student achievement.

4. **State and Federal Fund Allocations by Districts.** Ms. Combs shared that the committee is interested in determining where the dollars are going. She explained that the next step would be to analyze the data for patterns and see if there is equitable distribution. Combs noted that the committee's interest is in making sure the funds are getting where they need to be for school improvement and academic achievement purposes.

#### **Action/Discussion Items**

1. **Repeal of 704 KAR 3:401, Principal Assessment Centers.** Chair Combs explained that this regulation is obsolete and said the Board needs to repeal it. Thus, she moved repeal of 704 KAR 3:401 and the Board concurred.

#### ***MANAGEMENT COMMITTEE REPORT***

#### **Review Items**

1. **702 KAR 7:125, Pupil Attendance (Final).** Chair Jeff Mando reported that the Committee will not be recommending action on the pupil attendance regulation today due to several issues being unresolved. He highlighted the following key issues:
  - A concern exists over when the growth factor report must be submitted. This will be worked out with the members of the Local Superintendents Advisory Council.
  - How to address the issue of relying on STI relative to student time is a concern by superintendents. Staff indicates that the regulation won't be effective until the 2005-2006 school year and districts will be given a hold harmless provision that year. However, STI will take effect in 2006-2007.
  - Relative to the definition of tardy, staff recommends to rely on accurate data instead of allowing students to miss one-third of the day. Again districts will be held harmless in 2005-2006 with the definition becoming effective in 2006-2007.
  - Relative to the definition of dropout, the Department has received criticism in the past that the data is not accurate and does not count enough dropouts. However, staff has found that Kentucky's definition is harsher than the National Council for Education Statistics (NCES) definition. The committee and staff were under the assumption that

Kentucky's dropout definition was consistent with NCES; however, it has been discovered there are differences where the NCES definition would not require counting students as dropouts that Kentucky currently counts in that way. Staff was asked to come back in April with a unified policy recommendation in this area.

Helen Mountjoy emphasized that the Board needs to send a message to staff that we do not need confusion within the Department on issues like dropout. She noted that consistency is of the utmost importance and pointed out the Board's surprise to discover the discrepancy between our dropout definition and the one from NCES.

Associate Commissioner Kyna Koch pointed out that staff needs guidance on how to proceed on the NCES issue where a secondary GED does not count as a dropout. Chair Mountjoy replied that her preference is that staff come back with a recommendation to be as consistent as it can be in the definition of dropout across the board.

Ms. Koch went on to request that the pupil attendance regulation be a full board item next time in order to bring everyone in on the discussion.

2. **Consideration of future amendments to 702 KAR 1:001, Kentucky School Facilities Planning Manual.** Chair Mando indicated that the committee received a short report on potential changes to this regulation and said it will come back to the committee in June. He noted that staff were told to pursue making the language changes on the items identified in the staff note.
3. **Differentiated Compensation Pilot Status Report.** Mando explained that the committee received a brief report on the status of those districts listed within the staff note that are implementing a pilot in a differentiated compensation area. He said there is no information on the effectiveness of the projects as yet and reported that in spite of budget cuts, there will be funding for districts to continue these projects.
4. **Update on Deficit and Watch List Districts.** Chair Mando reported that Covington Independent is still projected to be out of its deficit by the end of the year. He did note that a request to purchase property had been received from the district and said that staff is working with them to see if it can be funded without jeopardizing the financial situation.

Relative to Jackson County, Mr. Mando said that the Management Audit has been completed and was to be presented to the local board on February 17. However, he indicated that the local board voted 3-2 not to accept the Department's assistance. Chair Mountjoy added that the Board and Department have no authority to be in the district without invitation.

5. **702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics; Annual Reporting Requirements and Revisions in Kentucky High School Athletic Association Due Process Procedure.**  
Mr. Mando reported that Brigid DeVries and Julian Tackett attended the committee meeting to present this item. He said that KHSAA is continuing to look at ways of addressing the problem of recruitment of foreign exchange students and tighten procedures down that are related to this issue. Mando went on to say that KHSAA also acknowledged the committee's concern on tournaments occurring during the school day and noted they were urged to work with the Local Superintendents Advisory Council regarding this issue. He reported that the committee asked KHSAA about its audit report and management letter due to inventory control issues being pointed out and said they were being addressed. Chair Mando noted that the regulations and bylaw changes will come back to the committee in April for final action.  
  
At this point, Helen Mountjoy asked staff to send the Board information on the timing of the at-large appointments to the Board of Control that the state board must make.
6. **Classroom Applications of Technology.** Mando indicated that this conversation was an update on classroom applications of technology and the potential effects of budget cuts in that area. He reported that high schools are not making effective use of technology in the classroom. Mando said that the CIO from Kenton County was there to discuss issues and talk about how that district is addressing this area.

### ***KSB/KSD COMMITTEE REPORT***

#### **Review Items**

1. **Reports from one regional and seven statewide stakeholder committees and update on facilities planning and legislative considerations.** Chair Keith Travis expressed appreciation to his committee for convening the extra session on Tuesday in order to hear from the remainder of the stakeholder groups. He indicated the committee heard from 8 groups this time and a grand total of 18. Travis noted that David Tachau will now be attending the Local Planning Committee at KSB and Dorie Combs will continue to attend the one at KSD. He commented that in April the committee will review and discuss all of the recommendations from the stakeholder groups and those from the Local Planning Committees. Travis stated that more discussion on recommendations relative to KSB/KSD will occur in May or June with a final decision for a plan of action made in August.

### ***ASSESSMENT AND ACCOUNTABILITY COMMITTEE REPORT***

#### **Review Items**

1. **KBE Committee Schedule for Discussing Improvements to the Assessment and Accountability System.** Chair Hilma Prather indicated that the agenda book contains a visual that shows how the various components to improve the assessment and accountability system will be moved through the committee. She noted that there will be joint meetings with the Curriculum Committee on writing assessment modifications.
2. **Learning Compact: transition point assessments, early diagnostic tools and interventions, increased parent and student responsibility and intensive reading and mathematics initiatives.** Prather indicated that there are two bills under consideration by the legislature, HB 193 and SB 100, that have a great deal of overlap and would implement the initiatives explained in this agenda item. She said that staff summarized the elements of the bill and indicated that we will have to wait and see what the legislature does with this.
3. **Improving CATS for Optimum Results: augmented assessments (grades 3-8), longitudinal assessment and new national norms.** Chair Prather reported that the assessment contract with CTB McGraw-Hill will be up at the end of the 2005-2006 school year, which will make it necessary to develop a new request for proposals. Additionally, she noted that augmented NRTs must be developed in the missing grades (3-8) along with establishing new norms. Prather stated that Kentucky will move to using the CTBS-6 and will rotate a new form annually. She explained that this system will enable Kentucky to look at student achievement over time due to adding the augmented tests in grades 3-8. Prather reminded the Board that the Department had hoped to start the augmented testing in 2005, but said implementation will now be delayed until the spring of 2006, which is the required date by the United States Department of Education.
4. **703 KAR 5:040, Statewide Assessment and Accountability Program: Relating Accountability Index to School Classification (A1-A6).** Hilma Prather indicated that a housekeeping detail is necessary in this regulation that would classify only A1 schools as a “school” and classify A2-A6 schools as a “program”. She went on to say that this definition would need to be transferred out of 703 KAR 5:040 and moved to 703 KAR 5:001, where all other definitions are housed. She indicated that this housekeeping issue will move ahead and be taken care of as the other assessment regulations are filed.

Prather moved on to say that the guiding principles on page 92 of the Agenda Book were used to frame the discussion relative to 703 KAR 5:040. She noted that all committee members agreed the bullets were appropriate and should be reflected in the regulation in order to add an element of fairness when schools have no control over the placement of students. Prather said that the committee had some confusion in how the regulation was laid out and asked staff to reorganize it by the different levels of accountability. She clarified that this regulation will be brought back to the committee at the next meeting for review and not final action.



### ***INTERNAL BOARD BUSINESS***

The following items were discussed in this portion of the meeting:

- Keith Travis moved approval of Janice Allen's travel to participate on a team from Kentucky to look at assessment and technology issues, with the expenses being paid by the United States Department of Education. Paul Whalen seconded the motion and it carried.
- Sam Robinson moved to approve David Tachau's membership on the KSB Local Planning Committee and Keith Travis seconded the motion. The motion carried.
- Keith Travis asked Board members to look at materials he had brought back from the NASBE conference that suggest sending a follow-up letter to Congress on full funding for IDEA. The Board agreed that the follow-up letter could be sent.
- Chair Mountjoy reminded Board members that March 4-6 would be the dates of the Kentucky Teaching and Learning Conference and if any members desire to attend, they should let Mary Ann Miller know.
- Mountjoy stated that at the April meeting a going-away party for the outgoing Board members will be held the first evening and that members should keep this in mind when filling out their lodging preferences.

### ***ADJOURNMENT***

At 12:00 noon, the Kentucky Board of Education adjourned.